

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

JDS UNIPHASE CORPORATION BENEFITS
COMMITTEE of the JDS UNIPHASE CORPORATION
EMPLOYEE 401(k) RETIREMENT PLAN
Plaintiff/Counterclaim Defendant

v.

DOES 1 through 20, inclusive
Defendants

v.

DAVID M. KORNACKI, as Administrator of the
Estate of Kevin P. Kornacki;
Defendant/Cross Claim Plaintiff/
Counterclaim Plaintiff/Third Party Plaintiff

v.

MABEL TAVARES, an individual formerly known as
MABEL D. KORNACKI;
Defendant/Cross Claim Defendant

v.

JDS UNIPHASE CORPORATION EMPLOYEE
401(k) RETIREMENT PLAN
Third Party Defendant

Civil Action No. 05-11499-MAP

**CERTIFICATION OF JDS UNIPHASE CORPORATION BENEFITS
COMMITTEE AND JDS UNIPHASE CORPORATION EMPLOYEE 401(K)
RETIREMENT PLAN CERTIFICATION UNDER LOCAL RULE 16.1(D)(3)**

Plaintiff JDS Uniphase Corporation Benefits Committee of the JDS Uniphase
Corporation Employee 401(k) Retirement Plan, JDS Uniphase Corporation Employee 401(k)
Retirement Plan, and the undersigned counsel hereby certify that they have conferred (a) with a
view to establishing a budget for the costs of conducting the full course -- and various alternative

courses -- of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

JDS UNIPHASE CORPORATION BENEFITS
COMMITTEE of the JDS UNIPHASE
CORPORATION EMPLOYEE 401(k)
RETIREMENT PLAN



By: Andrew Pollack

Its: Associate General Counsel



Charles Lea Deem

M. Ray Hartman III

DLA PIPER RUDNICK GRAY CARY US LLP

401 B Street, Suite 1700

San Diego, CA 92101

(619) 699-2700 (*telephone*)

(619) 699-2701 (*fax*)

August 25, 2005